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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/876,379 | 06/07/2001 | Kraig A. Bottemiller | ROC920000235US1 | 8997 |
| 28722 | 7590 | 10/13/2004 | | |
| BRACEWELL & PATTERSON, L.L.P. P.O. BOX 969 AUSTIN, TX 78767-0969 | | | | |
| | | | EXAMINER COLLINS, SCOTT M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2145 | |

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--|--|
| Office Action Summary | Application No. 09/876,379 | Applicant(s) BOTTEMILLER, KRAIG A.  | |
| | Examiner Scott M. Collins | Art Unit 2145 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Change of Address on December 17, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sidi et al., U.S. Patent Number 6,282,562 (herein referred to as Sidi).
5. Referring to claims 1 and 4, Sidi has taught a communication profiler, for use with a data processing system including a processor and a memory coupled by a system interconnect, wherein said communication profiler comprises:

a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure on said system interconnect, wherein said control unit filters said collection of data from said tenure to obtain specific data requested by a user and organizes said specific data as a summary (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44). Further, it should be noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).

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6. Referring to claim 2, Sidi has taught the communication profiler according to claim 1, further comprising:

- a. a profiler interconnect (Sidi figure 1 and column 5, lines 21-38); and
- b. a profiler memory, coupled to said profiler interconnect, wherein said profiler memory stores said summary (Sidi column 9, lines 1-4).

7. Referring to claims 3 and 6, Sidi has taught the communication profiler further including an output port that can be coupled to an external analyzer to communicate said summary (Sidi column 9, lines 5-8).

8. Referring to claim 5, Sidi has taught the communication profiler further including a transaction timer, coupled to said control unit, wherein said transaction timer is utilized to record a duration of a operation pending (Sidi column 7, lines 9-25).

9. Referring to claims 7-9, Sidi has taught a data processing system, comprising:

- a. a system interconnect (Sidi column 3, lines 33-42);
- b. a plurality of master and slave elements, coupled to said system interconnect (Sidi column 3, lines 33-55 where a master element controls a slave element.); and
- c. a communication profiler, coupled to said system interconnect, further including:
 - a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure between a master element and a slave element on said system interconnect, wherein said control unit filters said collection of data from said tenure and retrieves a set of specific data requested by a user and organizes said set of specific data as a summary (Sidi column 6, lines 25-50; and column 8, lines

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59-61 where filtering inherently takes place as all the aggregated data is

“summarized into a statistical profile” (column 6, line 44). Further, it should be noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).

10. Referring to claims 10 and 11, Sidi has taught a host data processing system comprising:

- a. a host interconnect (Sidi column 3, lines 33-42);
- b. a host processor and memory coupled to said host interconnect (Sidi column 6, 25-50 and column 9, lines 1-4);
- c. a data processing system including a processor and memory coupled by a system interconnect comprising:
 1. a plurality of master and slave elements, coupled to said system interconnect (Sidi column 3, lines 33-55 where a master element controls a slave element.); and
 2. a communication profiler, coupled to said system interconnect, further including:
 - A. a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure between a master element and a slave element on said system interconnect, wherein said control unit filters said collection of data from said tenure and retrieves a set of specific data requested by a user and organizes said set of specific data as a summary (Sidi column 6, lines 25-50; and column 8, lines 59-61 where filtering inherently takes place as all the aggregated data is “summarized into a statistical profile” (column 6, line 44). Further, it should be

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noted that a specific “sub-optimization [is] desired” (column 6, line 46) by the user.).

11. Referring to claims 12-14, Sidi has taught a method for gathering hardware performance data, comprising the steps of:

- a. activating a communication profiler coupled to a system interconnect by setting a control register, coupled to a control unit in said communication profiler (Sidi column 6, lines 25-50 where resetting deactivates the profiler.);
- b. monitoring a system interconnect for a tenure between a master element and a slave element of a data processing system;
- c. capturing a set of data resulting from said tenure and organizing said set of data into a summary, in response to detecting a tenure on said system interconnect; and
- d. transmitting said summary to an external analyzer (Sidi column 9, lines 5-8).

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a. Logston et al. U.S. Patent Application Number US 2002/0032754 A1
- b. Harkins et al. U.S. Patent Number 5,689,642
- c. Hunt U.S. Patent Number 6,381,628

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Fri. 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703.308.5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
September 30, 2004


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100